IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2194 OF 2006

Shaikh Sajid Shaikh Khalil. .. Petitioner.

vs.

State of Maharashtra

& Ors. . .. Respondents.

Mr. N.P. Shimpi for petitioner.

Mr. S.K. Chnchalikar AGP.,

for Respondent Nos. 1 to 3.

CORAM : A.P. DESHPANDE, J.

DATE : 8th November, 2006.

P.C.

. The petitioner was possessing a licence of a stamp vendor and was carrying on business at Malegaon, Dist. Nasik. The Collector, Stamps, Nasik, after holding an enquiry and in exercise of powers under Rule 10 of the Indian Stamps Sale Rules, 1899 issued an order cancelling the licence granted to the petitioner. Aggrieved by the impugned order, the petitioner filed a revision under section 32 C of the Bombay Stamps Act, 1958. One of the grievance made in the present petition is that the respondent no. 2 who is seized of the

revision and who is under statutory obligation to decide the revision in accordance with law, has failed to so decide the revision. A limited prayer is made to command the respondent no. 2 to decide the revision expeditiously as the same is pending for a long time. The respondent no. 2 who is the revisional authority has not filed an affidavit in reply whereas an affidavit has been filed by respondent no. 3 wherein it is stated that the revision is not maintainable. The maintainability of the revision has to be adjudicated by passing a judicial order under Section 32 C of the Bombay Stamps Act. Making a statement in an affidavit in reply cannot be a substitute for a decision in the matter which is expected of a judicial or a quasi-judicial authority. The learned counsel for the petitioner submits and rightly so that if the reasons are recorded and the revision application is decided, it shall be open for the petitioners to question the legality or otherwise thereof. Having regard to the fact that the revision is yet pending and not yet decided, the learned AGP makes a statement that the respondent no. 2, before whom the revision filed under Section 32 C of the Bombay Stamps Act is pending, shall decide the same in accordance with law as expeditiously as possible and at any rate within a period of four weeks from today.

2. All other points raised in the petition are left open for being canvassed in appropriate proceedings.

3. Rule is made absolute in above terms with no order as to costs.

(A.P. Deshpande, J.)